

REMARKS

Claims 1-11 are pending. Claims 7-9 and 11 are amended.

35 U.S.C. § 112 Rejections

The Examiner has rejected claim 5 under 35 U.S.C. § 112 first paragraph, as failing to comply with the written description requirement.

In the pending application, a satisfactory description exists in both the claims and the specification. For instance, the detailed description of the invention discloses a “pad” at paragraph [13], page 4, line 21, and paragraph [48], page 13, lines 4-8, from which it can be understood that in the case of using the pad wherein a grid is indicated, the grid on the pad can be used as a reference point in obtaining the transition of a position of X, Y axes of the apparatus (10) in order to improve the accuracy of the movement of the mouse function or scanning function of the apparatus (10).

From the above description, a skilled person would know that the pad is a sort of mouse pad which can be used by attaching it below the present apparatus. Thus, since it is clear that a skilled person can recognize this as a sort of a mouse pad with a grid, the description requirement is satisfied.

Applicant, accordingly, respectfully requests withdrawal of the rejection of claim 5 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Furthermore, the Examiner has rejected claims 1, 8, 9, and 11 under 35 U.S.C. § 112 second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, the examiner states that “the outside” of Claim 1 is unclear. However, the expression “the outside” is used to indicate that data is transmitted to any device such as a computer existing outside an image processor, and thus means any device, component or apparatus outside the image processor.

Thus, a skilled person would clearly know the above meaning from the recitation of Claim 1 alone, and the recitation is not unclear. The phrase “the outside” is also described in the specification on page 4, line 9.

With respect to claim 8, the Examiner states that “the input device” in line 3 of Claim 8 has insufficient antecedent basis. In this regard, as in the amendment of the claims above, “the input device” of Claim 8 is amended to “an input device 100” in order to clarify that “the input device” means an input device represented by reference numeral 100 of Fig. 1 not “the apparatus.” Support can be found throughout the specification and drawings.

Also, the examiner states that Claim 8 recites “storing said data to the last predetermined line” but that it is unclear from the specification as to how the data is stored to “the line.” In this regard, as in the amendment of the claims above, the recitation “storing said data to the last predetermined line” of Claim 8 is amended to “storing said data with regard to a last predetermined line” in

order to clarify that the recitation does not mean that the data is stored to the line but that the data regarding a line is stored. Also, by such amendment, the examiner's objection that "the last predetermined line" has no antecedent basis is overcome since it becomes clear that this is first mentioned in Claim 8.

With respect to the examiner's objection that "the surface" and "the first predetermined line" have no antecedent basis, as in the amendment of the claims above, "the surface" and "the first predetermined line" of Claim 8 are amended to "a surface" and "a first predetermined line" respectively.

Thus, the recitation of Claim 8 has become clearer by the above amendment.

With respect to claim 9, the examiner states that "the surface" and "the images" of Claim 9 are unclear. In this regard, "the surface" of Claim 9 is amended to "a surface." We believe that the recitation satisfies the description requirement.

Also, "the images" of Claim 9 is amended to "the images of the surface." Thus, the recitation has made clearer that the image obtained for detecting the spot of the surface is the image of the surface.

With respect to claim 11, the examiner states that Claim 11 recites "the related variables" which has no antecedent basis. In this regard, "the related variables" of Claim 11 is amended to "related variables."

Also, the examiner states that Claim 11 recites the method of calculating the speed in lines 9-10, but it is not clear how the speed is calculated without incorporating or explaining the time element.

The method of calculating the speed of movement in Claim 11 is by dividing the distance moved toward X-axis direction by the number of lines received. The faster the movement toward X-axis direction, the fewer lines are received because lines are received for a shorter period of time. However, the slower the movement for the same distance, the more lines are received because lines are received for a longer period of time.

Thus, the faster the speed is, the fewer the received lines are. Accordingly, the value resulting from dividing the distance moved toward X-axis direction by the number of lines received becomes larger. Thus, since a skilled person would easily derive the moving distance from this value, the recitation is clear.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1, 8, 9, and 11 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1-4, 6-8 and 10-11 under 35 U.S.C. § 102(b) as being anticipated by Knee et al. 5,994,710 (Knee).

1. Comparison of Claim 1 (Figs. 1 and 2) and the Knee reference (Figs. 2B and 3)

The invention of Claim 1 of the present application relates to an apparatus for implementing mouse function and scanner function alternatively, comprising an input device (100) for having a region capable of scanning including a position tracing region for detecting a transition of position of said apparatus. Meanwhile, the cited invention relates to a scanning mouse having an image sensor (26, 29, 30) and navigation sensors (20, 21).

The examiner states that the position tracing region of the present application corresponds to the navigation sensors (20, 21). However, the two inventions are clearly different as follows:

The cited invention incorporates the same or similar navigation sensor as used in the scanning mouse of the prior art while the present invention uses a part of the input device (100) for position tracing. I.e., in the cited invention, the image sensor (26, 29, 30) such as CCD or CIS and the navigation sensors (20, 21) used in the scanning mouse of the prior art are incorporated as two separate features. However, in the present invention, these features are constituted as a region capable of scanning comprising CCD or CIS, etc., in other words, they are integrated as a whole and a part of it issued for the position tracing region (220). Thus, the two inventions differ in constitution.

Such constitutional differences have the following effect:

Since the present invention does not divide the image sensor and the navigation sensors as the cited invention, but integrates them, the number of

components are reduced, and thus it is easy to manufacture and economically beneficial for reducing the cost.

Such integration does not require adjusting the positions of the components. i.e., in the actual process of manufacturing the product, there is a risk of having an error when the image sensor part and the navigation sensor part are separate independent components despite the fact that the navigation sensor requires precise position adjustment. Since the present invention integrates the two components and thus does not require position adjustment, it is anticipated to have an effect of increased productivity by reducing defection rate.

Also, by integrating the components, the device can be more portable because of its reduced size.

Since the present invention is capable of scanning an object even at the region where the navigation sensor used to be located in the cited invention, it is recognized to have an effect of maximizing the space for scanning. i.e., the space for scanning is maximized because it is now possible to scan an object at the region of the device where scanning was not possible before due to the navigation sensor. Accordingly, the object which can be scanned at one time can be maximized and thus scanning can be effective without having to repeat a number of times.

Further, since the starting point and the ending point of scanning are at both ends of the device, it is clear that the scanned portion of an object at is the

portion between both ends of the device, and thus it is possible to accurately set the object to be scanned.

Thus, it appears that the invention of Claim 1 is clearly different from the cited invention in effect and constitution.

2. Comparison of Claim 7 (see Fig. 2) and the Knee reference (see Figs. 2B and 3)

As in the amendment of the claims above, “an image data detected from the actual scanning region of a region capable of scanning of said apparatus” in lines 12 to 14 of Claim 7 is amended to “an image data detected from a region capable of scanning of said apparatus.”

Accordingly, the invention of Claim 7 is, when it functions as a scanner, transmitting the image data of a region capable of scanning comprising position tracing region (220). Meanwhile, the cited invention, when it performs the scanning function, transmits only the image data from the image sensor (26, 29, 30), not from the navigation sensor (20, 21).

Thanks to such constitutional difference, the present invention has effects as described with regards to Claim 1 above. Thus, Claim 7 is clearly different from the cited invention in constitution and effect, and it cannot be invented from the cited invention (Knee).

Further, Claims 2 to 6 which depend from Claim 1, and Claims 8 to 11 which depend from Claim 7 also cannot be invented from the cited invention.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1-4, 6-8, and 10-11 under 35 U.S.C. § 102(b) as being anticipated by Knee.

35 U.S.C. § 103 Rejections

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Knee in view of Bilbrey et al. 4, 543, 571 (Bilbrey).

Because the Knee reference does not anticipate Applicant's invention, a rejection under 35 U.S.C. § 103 obviousness is not proper.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Knee in view of Bilbrey.

Moreover, the Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Knee. The examiner states rotational calculation in this context is "conventional" but has not provided a reference showing each and every element of claim 9. MPEP 2144.03, section A, states:

"It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. Zurko, 258 F.3d at 1385, 59 USPQ2d at 1697."

Furthermore, MPEP 2144.03, section B, states:

"The applicant should be presented with the explicit basis on which the examiner regards the matter as subject to official notice and be allowed to

challenge the assertion in the next reply after the Office Action in which the common knowledge statement was made." (Emphasis Added)

To the contrary, it is unclear whether the Examiner is relying upon official notice in the Office action dated May 17, 2007 because there is no explicit reliance on official notice. If official notice is intended by the Examiner, Applicant should be provided an opportunity to challenge the official notice.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Knee.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Louis Tran at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,
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